



Mental Capacity Act 2005

2005 CHAPTER 9

PART 2

THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

The Court of Protection

46 The judges of the Court of Protection

- (1) Subject to Court of Protection Rules under section 51(2)(d), the jurisdiction of the court is exercisable by a judge nominated for that purpose by—
 - (a) the Lord Chancellor, or
 - (b) a person acting on the Lord Chancellor's behalf.
- (2) To be nominated, a judge must be—
 - (a) the President of the Family Division,
 - (b) the Vice-Chancellor,
 - (c) a puisne judge of the High Court,
 - (d) a circuit judge, or
 - (e) a district judge.
- (3) The Lord Chancellor must—
 - (a) appoint one of the judges nominated by virtue of subsection (2)(a) to (c) to be President of the Court of Protection, and
 - (b) appoint another of those judges to be Vice-President of the Court of Protection.
- (4) The Lord Chancellor must appoint one of the judges nominated by virtue of subsection (2)(d) or (e) to be Senior Judge of the Court of Protection, having such administrative functions in relation to the court as the Lord Chancellor may direct.